

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	CASE NO. DNCW3:10CR252-4
)	(Financial Litigation Unit)
)	
NACHA WHITAKER,)	
Defendant,)	
and)	
)	
DOLGENCORP LLC,)	
Garnishee.)	

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the Answer of Dolgencorp LLC, as the Garnishee. Judgment in the criminal case was filed on November 29, 2012 (Doc. No. 191). As part of that Judgment, the Defendant was ordered to pay an assessment of \$200.00 and restitution of \$100,957.11 to the victims of the crime. *Id.*

On April 28, 2021, the Court entered a Writ of Continuing Garnishment (Doc. No. 223) as to the Garnishee Dolgencorp LLC. The Defendant was served with the Writ and Instructions notifying her of her right to request a hearing on May 11, 2021, and the Garnishee was served on May 10, 2021. The Garnishee filed an Answer on May 25, 2021 (Doc. No. 226) stating that at the time of service of the Writ, the Garnishee had in its custody, control or possession property or funds owned by the Defendant, including non-exempt, disposable earnings. The Defendant did not request a hearing, and the statutory time to do so has elapsed.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$56,683.37 computed through April 28, 2021. The Garnishee will pay the United States up to the lesser of (1) twenty-five percent of the Defendant's disposable

earnings which remain after all deductions required by law have been withheld, or (2) the amount by which the Defendant's disposable earnings for each week exceed thirty times the federal minimum wage. *See* 15 U.S.C. § 1673(a). The Garnishee will continue payments until the debt to the Plaintiff is paid in full or until the Garnishee no longer has custody, possession or control of any property belonging to the Defendant or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

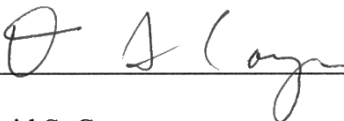
In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:10CR252-4.

IT IS FURTHER ORDERED that the Garnishee will advise this Court if the Defendant's employment is terminated at any time by the Garnishee or the Defendant.

The Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: September 8, 2021



David S. Cayer
United States Magistrate Judge

